

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 JOHN MANUEL RUIZ,

5 Plaintiff,

6 vs.

7 NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

8 Defendants.

2:16-cv-00931-APG-VCF

ORDER

9 Before the Court is Plaintiff's Motion for Re-Service of Summons; and Second Amended
10 Complaint (ECF No. 42).

11 Ruiz is requesting the court for reservice of summons on Defendants Legrand, Sandie, Gedney,
12 and Johns because the U.S. Marshals was not able to perfect service for these defendants at the
13 correctional facility.

14 The court has reviewed the unexecuted returned Summons. Defendants Legrand, Sandie,
15 Gedney, and Johns' personal addresses were listed on the Summons.

16 Accordingly,

17 IT IS HEREBY ORDERED that Plaintiff's Motion for Re-Service of Summons; and Second
18 Amended Complaint (ECF No. 42) is GRANTED.

19 IT IS FURTHER ORDERED that Plaintiff has up to and including November 10, 2020, to
20 perfect service on Defendants Legrand, Sandie, Gedney, and Johns.

21 The Clerk of Court is directed to re-issue (sealed) Summons for Defendants Legrand, Sandie,
22 Gedney, and Johns, at the addresses provided under sealed in ECF No. 23, and deliver same to the U.S.
23 Marshal for service. The clerk is directed to send copy of the Second Amended Complaint, Summons,
24 and copy of this order to the U.S. Marshal for service on Defendants Legrand, Sandie, Gedney, and
25 Johns.

1 The U.S. Marshal is directed to serve Defendants Legrand, Sandie, Gedney, and Johns at
2 Defendants' personal address(es) listed on the Summons.

3 The clerk is directed to mail to plaintiff the USM-285 form. Plaintiff has thirty (30) days within
4 which to furnish to the U.S. Marshal the required USM-285 form.

5 Within twenty (20) days after plaintiff receives copy of the completed USM-285 form from the
6 U.S. Marshal, plaintiff must file a notice with the court stating if defendant was served. If the plaintiff
7 wishes to have the U.S. Marshal attempt service again on defendant, then a motion must be filed with
8 the court.

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10 DATED this 10th day of September, 2020.



11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
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U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURNSee "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	COURT CASE NUMBER
DEFENDANT	TYPE OF PROCESS

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk _____	Date _____
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode				
Address (complete only different than shown above)	<table border="1"> <tr> <td>Date</td> <td>Time <input type="checkbox"/> am <input type="checkbox"/> pm</td> </tr> <tr> <td colspan="2">Signature of U.S. Marshal or Deputy _____</td> </tr> </table>	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm	Signature of U.S. Marshal or Deputy _____	
Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm				
Signature of U.S. Marshal or Deputy _____					

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
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REMARKS:

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12/15/80
Automated 01/00

INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES. Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.